**REMARKS**

Claims 1-3, 6, 8, 10, 16, 19, 20, 22, 23, 30, 31, 35, 37, 39, 47 and 61-63 are pending in the instant application. These claims have been subjected to the following restriction requirement:

Group I, claims 1-3, 6, 8, 10, 16, 19, 20, 22 and 23, drawn to an isolated Pro104 antibody that binds Pro104 on a mammalian cell in vivo and the hybridoma that produces said antibody;

Group II, claims 30-31, 35, 37, 39 and 47, drawn to a method of killing a Pro104 expressing cancer cell, comprising contacting the cancer cell with the antibody of Group I; and

Group III, claims 61-63, drawn to a method for detecting Pro104 overexpression in a subject.

The Examiner suggests that Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical feature. Specifically the Examiner suggests that the technical feature recited in claim 1 of an isolated Pro104 antibody that binds Pro104 on a mammalian cell is not special because Antalis et al. (U.S. Patent 6,479,274) teaches antibodies that bind to testisin (also known as Pro104).

Further, the Examiner has made the following species election requirements:

with respect to Group I, election between a) growth inhibitory agent and b) cytotoxic agent is required and if b) is elected further election between toxins, antibiotics,

radioactive isotopes and nucleolytic enzymes is required; and

with respect to Groups I, II and III, election between breast, ovarian, pancreatic and lung cancer is required.

Applicants respectfully traverse this Restriction Requirement and the species election requirements.

Applicants respectfully disagree with the Examiner that the antibodies recited in claim 1 are not special because of teachings of Antalis. Claim 1, and claims dependent therefrom, are drawn to an isolated Pro104 antibody that binds to Pro104 on a mammalian cell in vivo. All the elements of claim 1 are not taught by Antalis et al. Accordingly, contrary to the Examiner's suggestion, the technical feature of claim 1 is special and Groups I-III do relate to a single general inventive concept under PCT Rule 13.1 and 13.2.

Accordingly, reconsideration and withdrawal of this Restriction Requirement is respectfully requested.

Further, with respect to the species election, Applicants do not believe that the generic claims recite such a multiplicity of species that an unduly extensive and burdensome search with respect to the various cancers or agents to which the antibody is conjugated is required. See MPEP § 808.01.

Accordingly, reconsideration of the species election requirement is also respectfully requested.

However, in an earnest effort to be completely responsive to this Office Action, Applicants elect Group I, with traverse. Further, Applicants elect the species of cytotoxic agents, with traverse, toxins, with traverse, and ovarian cancer, with traverse.

In accordance with MPEP § 809.01 and 37 C.F.R. § 1.146, it is respectfully pointed out that the claims should only be restricted to these species if no generic claim is held allowable. Further, upon finding the elected species to be allowable, it is Applicants' understanding that the remaining species will be examined.

Applicants also reserve the right to request rejoinder of the process claims in the event this Restriction Requirement is made final.

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

Respectfully submitted,

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